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DESCENT AND DISTRIBUTION—WHAT LAW GOVERNS—Under the Kentucky statute, providing that in the absence of a will the estate of a non-resident, situated in that state, should “be distributed and disposed of according to the laws of the state of which he was an inhabitant,” a surviving husband takes the whole of the estate of his wife, under the common law in force in New Jersey where the parties were domiciled. *Lee v. Belknap* (Ky. 1915), 173 S. W. 1129.

This decision is in direct conflict with *Locke v. McPherson*, 163 Mo. 493, 63 S. W. 726, 52 L. R. A. 420, 85 Am. St. Rep. 546, where the court held that the property should be distributed under the Missouri statute, even though the parties were residents of New York, and Missouri had a statute virtually the same as that of Kentucky. The court takes the view that since the common law is in force in New York as to descent and distribution between husband and wife there was no law in New York within the meaning of the Missouri statute. They say that in using the word “law” the legislature referred to some statute of descent and distribution in another state and that since, by the common law, the husband took all the personal property of the wife upon marriage, although by the New York statute she was given control of it during her life, there was no law in force in New York on descent and distribution as between husband and wife. This decision of the Missouri court has not gone without criticism—see Note 29 L. R. A. N. S. 781—and it would seem that the principal case is the correct view. As is said in this opinion, on page 1138, “it (law as used in the statute) means the law in force in that state, whether it be common law, or statute law, or by whatever name it may be called.” No valid reason is perceived why the effect of the statute should be limited to the declaration of the legislature of another state, if the policy of that state is to let the common law stand.

EQUITY—SPECIFIC PERFORMANCE OF SALE OF CORPORATE STOCK.—Plaintiff filed a bill praying specific performance of a contract for the sale of corporate stock to defendant, alleging that the stock was not procurable in the market and that its value was not readily ascertainable. The lower court dismissed the bill for want of equity jurisdiction. In reversing this decree, *held* that although as a general rule the parties are left to their legal remedy for a breach of a contract for the sale of chattels, yet there are many exceptions, and property not procurable in the market and having an uncertain value is within the exception, the legal remedy in such a case being inadequate. *Morgan v. Bartlett*, (W. Va. 1915). 83 S. E. 1001.

The rule laid down above is entirely in accord with the more recent decisions. Among the many cases in accord are, *Newton v. Wooley*, 105 Fed. 541; *Hills v. McCunn*, 232 Ill. 488; *Schmidt v. Pritchard*, 135 Iowa 240; *Baumhoff v. Railroad*, 205 Mo. 262; *N. Cent. Ry. v. Walworth*, 193 Pa. 214; and *Leach v. Fobes*, 77 Mass. 506. It must clearly appear, however, that the shares are not obtainable in the market, or that their value is not ascertainable, else the remedy will not be granted. *Northern Trust Co. v. Markell*, 61 Minn. 271; *Rigg v. Ry.* 191 Pa. 305; *Moulton v. Warren Mfg. Co.*, 81 Minn. 259. And specific performance will not be granted where plaintiff's only claim is that he